

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY LITIGATION

This document relates to:

*Commonwealth of Pennsylvania, et al. v. Exxon
Mobil Corporation, et al.*, Case No. 1:14-cv-06228

Master File No. 1:00-1898
MDL 1358 (VSB)
M21-88

Vernon S. Broderick, U.S.D.J.
Valerie Figueredo, U.S.M.J

[PROPOSED] CASE MANAGEMENT ORDER NO. 127

WHEREAS, the Court has ordered all expert discovery be concluded by September 2, 2022 (ECF No. 852).

NOW THEREFORE IT IS ORDERED AS FOLLOWS:

1. Responses and objections to Plaintiff's and Defendants' respective Focus Site Contention Interrogatories shall be served by October 3, 2022, or 30 days after the close of expert discovery, whichever is later;
2. Plaintiff has informed Defendants that it intends to seek a suggestion of remand to the Eastern District of Pennsylvania at the conclusion of Focus Site discovery. Plaintiff's motion for a suggestion of remand ("Remand Motion") shall be filed by November 2, 2022, or 30 days after the deadline for responses and objections to Plaintiff's and Defendants' respective Focus Site Contention Interrogatories pursuant to Paragraph 1, above, whichever is later.¹ Defendants have informed Plaintiff that they object to its proposed suggestion of remand and will oppose the Remand Motion. Defendants' opposition to the Remand Motion shall be due 45 days after the filing of the Remand Motion. Plaintiff's reply shall be due 28 days thereafter. The parties are directed to meet-and-confer prior to the filing of Plaintiff's Remand Motion;
3. Any additional motions for summary judgment for this focus site phase of the case shall be filed on February 2, 2023, or 60 days after a decision on Plaintiff's motion to remand to the Eastern District of Pennsylvania (as referenced in Paragraph 2 above), whichever is later; and

¹ If any deadline referenced in this CMO falls on a weekend or holiday, the filing deadline shall be the first business day following the referenced deadline.

4. Prior to the filing of any additional motion for summary judgment, the parties shall meet-and-confer in good faith to determine if any argument(s) or request(s) for relief contemplated by the moving party can be resolved by means that would obviate filing of the motion, to discuss any options for presenting duplicative arguments about multiple focus sites in the most efficient manner, and to confer about a proposed briefing schedule for opposition and reply briefing.

SO ORDERED.

Hon. Vernon S. Broderick, U.S.D.J.

or

Hon. Valerie Figueredo, U.S.M.J.

New York, New York
August __, 2022